



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during January 2007
DISTRIBUTED: February 8, 2007

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and, impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violation followed by location of violation):

Industrial Metal Recycling, Inc., Augusta, Maine. Industrial Metal Recycling, Inc. ("Industrial") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws. Vehicle transmissions delivered to industrial leaked approximately 30 gallons of oil to the ground and the Kennebec River. Industrial failed to immediately remove the discharge to the satisfaction of the Department. Clean-up of the spilled oil was conducted by the Department with assistance from Industrial. To resolve the violations, Industrial reimbursed the Department \$340.00 for clean-up expenses, and paid \$4,400.00 as a civil monetary penalty.

Douglas Brown, Windham, Maine. Douglas Brown ("Brown") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws. After an automobile repair, Brown discharged motor oil to the ground which subsequently entered a storm sewer which discharges to the Presumpscot River. Brown failed to immediately remove the discharge to the satisfaction of the Department. Clean-up of the spilled oil was conducted by the Department. To resolve the violations, Brown paid \$1,600.00 as a civil monetary penalty.

Toba Tarp, Inc. d/b/a Pratt-Abbott Cleaners, South Portland, Maine. Toba Tarp, Inc. d/b/a Pratt-Abbott Cleaners ("Pratt-Abbott") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Identification of Hazardous Wastes* and *Standards for Generators of Hazardous Waste*. Pratt-Abbott failed to determine if wastes generated were hazardous, treated hazardous waste by means of evaporation, discharged hazardous waste in the form of perchloroethylene (a/k/a tetrachloroethene) contaminated steam, failed mark containers of hazardous waste as hazardous waste, failed to mark containers of hazardous waste with accumulation start dates, failed to keep containers of hazardous waste closed, failed to store containers of hazardous waste on a firm, impervious, and continuous working surface, failed to conduct and document daily inspections of hazardous waste containers, failed to store hazardous wastes in an area with security or entry control, failed to amend the facility's emergency contingency plan when necessary, and failed to comply with special requirements for universal wastes. In response to a Department-issued Notice of Violation, Pratt-Abbott advised the Department that it had taken actions to correct the violations and submitted a draft soil sampling work plan to investigate the area where perchloroethylene was discharged. To resolve the violations, Pratt-Abbott agreed to implement the soil sampling work plan submitted in response to the Department's Notice of Violation, submit a site remediation plan for perchloroethylene discharges if the Department determines that remediation is necessary, and will pay \$11,350.00 as civil monetary penalty.

ENPRO Services of Maine, Inc., South Portland, Maine. ENPRO Services of Maine, Inc. ("EMI") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Standards for Hazardous Waste Facilities*, and the facility's Hazardous Waste Transfer Facility and Waste Oil Storage and Commercial Hazardous Waste Storage and Treatment licenses. EMI failed to mark containers of hazardous waste with the date of arrival at the facility, failed to record findings of daily inspections of hazardous waste containers in an inspection log, failed to ensure adequate aisle space between rows of containers to



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allow for unobstructed movement of emergency equipment and personnel, and failed to physically segregate non-hazardous wastes from hazardous wastes being stored. In response to a Department-issued Notice of Violation, EMI advised the Department that it had taken, or would take, actions to correct the violations. To resolve the violations, EMI will pay \$7,500.00 as civil monetary penalty.

Abatement Professionals Corp., Westbrook, Maine. Abatement Professionals Corp. ("Abatement Professionals") violated the Department's *Asbestos Management Regulations*. Abatement Professionals failed to clean-up visible asbestos containing debris and failed to conduct a proper final inspection after removal of a work containment area. To resolve the violations, Abatement Professionals paid \$2,250.00 as a civil monetary penalty.

Town of Baileyville, Baileyville, Maine. The Town of Baileyville ("Baileyville") Waste Water Treatment Facility violated provisions of its Maine Pollutant Discharge Elimination System Permit and Waste Discharge License. Baileyville discharged waste water to the St. Croix River which exceeded license limits for Settleable Solids, Biochemical Oxygen Demand, and *E. coli* bacteria, and discharged waste water such that license limits for waste water flow were exceeded. To resolve the violations, Baileyville agreed to submit to the Department for review and approval an operational assessment of the facility, submit to the Department a plan and schedule for maximizing operation of the facility and upgrading equipment systems and implement the plan, and paid \$14,175.00 as a civil monetary penalty.

Adrian Brochu, Madison, Maine. Adrian Brochu ("Brochu") violated provisions of Maine's *Stormwater Management Act* by starting construction of a project that includes one or more acres of impervious area without first obtaining a permit from the Department. Brochu created 3.5 acres of impervious surface associated with the construction of a subdivision road. To resolve the violation, Brochu agreed to submit an after-the-fact application under the *Stormwater Management Act*, and, if approved, to comply with all terms and conditions of the after-the-fact permit, or, if denied, to submit a restoration plan to reduce the amount of new impervious area at the site to less than one acre. Brochu paid \$3,700.00 as a civil monetary penalty.